

Lincoln County, Oregon
06/18/2015 10:12:39 AM
DOC-E
\$20.00 \$11.00 \$20.00 \$10.00 \$7.00 - Total = \$68.00

2015-05931

Cnt=1 Pgs=4 Stn=29



00105893201500058310040042

I, Dana W. Jenkins, County Clerk, do hereby certify
that the within instrument was recorded in the Lincoln
County Book of Records on the above date and time.
WITNESS my hand and seal of said office affixed.

Dana W. Jenkins, Lincoln County Clerk



After recording return to:
City of Newport
169 SW Coast Highway
Newport, OR 97365

CITY OF NEWPORT, OREGON PUBLIC UTILITY EASEMENT

Paul and Roberta Burch, hereinafter referred to as "Grantors", own the real property described below and does hereby give and grant unto the City of Newport, an Oregon Municipal Corporation of Lincoln County, Oregon, hereinafter referred to as "Grantee", an exclusive, perpetual easement for public utilities, including the right to lay, construct, and maintain any water main, sanitary sewer, storm sewer or drainage channel, or any other public utility, and all related appurtenances, hereinafter referred to as "Public Utility", to be constructed and located on, across, under or over the surface of the following described real property:

(See Exhibit A – Legal Description for a Sewer Easement)

This is intended to exclude all other below-surface installations, except as may be specifically approved by the City.

City and its contractors, subcontractors, agents or employees shall have the right to enter and occupy the easement for the purpose of constructing the Public Utility, to permanently operate and maintain the Public Utility, to inspect, repair, replace, remove or renovate the Public Utility.

Grantors shall be responsible for landscape and surface maintenance within the easement. In carrying out this responsibility, Grantors agree not to plant any tree, shrub or plant within the Public Utility easement, nor build any structure or place any fence in the easement without first obtaining written permission from City. Balm, poplar, locust, cottonwood or willow trees should not be planted near the Public Utility easement. It is understood that City may remove any physical obstructions including buildings, fences, trees, or shrubbery, and abate any use of the easement if City finds that the physical obstruction or use will interfere with the Public Utility or City's easement rights granted above, without recompense to the Grantors.

Grantors and City intend that this easement bind Grantors, their heirs, successors and assigns. This easement will not be considered abandoned until City has declared the easement abandoned and no longer in use by City, and releases this easement in a duly executed and recorded Release of Easement.

In addition to all other remedies allowed by law, Grantee, its successors and assigns, shall have the right to seek injunctive relief for the enforcement of the terms and conditions of this easement against Grantors. If Grantee is required to bring suit or action to enforce the terms of this

easement, Grantee shall be entitled to recover from Grantors such sums that the court may adjudge reasonable as attorney fees and costs in such suit or action, or upon appeal.

The true and actual consideration for this easement is other than monetary.

DATED this 16th day of June, 2015.

Paul Burch
Paul Burch (Owner)

STATE OF OREGON }
County of Lincoln } ss:

Personally appeared before me this 16th day of June, 2015 the above
named Paul Burch.



Leslie A. Matheson
Notary Public for Oregon

DATED this 16th day of June, 2015.

Roberta Burch
Roberta Burch (Owner)

STATE OF OREGON }
County of Lincoln } ss:

Personally appeared before me this 16th day of June, 2015 the above
named Roberta Burch.



Leslie A. Matheson
Notary Public for Oregon

ACCEPTANCE OF EASEMENT

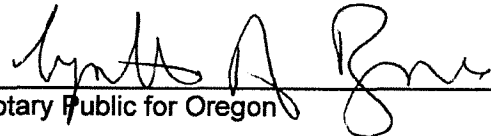
The City of Newport, Oregon, does hereby accept the above-described Public Utility Easement this 17 day of June, 2015.



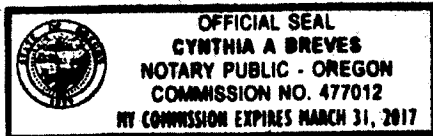
Spencer R. Nebel, City Manager

STATE OF OREGON)
) ss:
County of Lincoln)

This instrument was acknowledged before me on the 17 day of June, 2015 by Spencer R. Nebel as City Manager of the City of Newport.



Notary Public for Oregon



PIONEER SURVEYING



161 SE 130th Place
South Beach, Or. 97366
enicley@peak.org
541-867-6649



Boundary * Partition * Subdivision * Topographic * Construction Staking * Legal Description * Planning

February 6, 2015

LEGAL DESCRIPTION FOR A SEWER EASEMENT

MAP 10-11-20-BC TL 613

A LEGAL DESCRIPTION FOR A 20 FOOT WIDE EASEMENT OVER, UNDER AND ACROSS ALL THAT PORTION OF PARCEL 1, OF PARTITION PLAT 2011-07, AS SHOWN IN THE EXHIBIT SKETCH HEREON AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "E. NICLEY 54725LS" MARKING THE SOUTHEAST CORNER OF PARCEL 2, PARTITION PLAT 2011-07; THENCE SOUTH 02°25'20" WEST, ALONG THE WESTERLY RIGHT OF WAY OF N. E. AVERY STREET FOR 15.02 FEET TO THE TRUE POINT OF BEGINNING OF THE EASEMENT TO BE DESCRIBED; THENCE SOUTH 89°49'04" WEST FOR 191.57' FEET; THENCE SOUTH 00°10'56" EAST FOR 20.00 FEET; THENCE NORTH 89°49'04" EAST FOR 190.66' FEET TO THE WESTERLY RIGHT OF WAY OF N. E. AVERY STREET; THENCE NORTH 02°25'20" EAST 20.02 FEET ALONG SAID RIGHT OF WAY TO THE POINT OF BEGINNING;

CONTAINING 3,822 SQUARE FEET, MORE OR LESS.

